

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*County of Lake, Ohio v. Purdue
Pharma L.P., et al.,
Case No. 18-op-45032*

*County of Trumbull, Ohio v. Purdue
Pharma, L.P., et al.,
Case No. 18-op-45079*

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

“Track 3 Cases”

**PHARMACY DEFENDANTS’ MOTION TO DISMISS
SECOND AMENDED COMPLAINTS**

Defendants Walmart Inc., Wal-Mart Stores East, LP, WSE Management, LLC, WSE Investment LLC, and Wal-Mart Stores East, Inc. (“Walmart”); CVS Health Corporation, CVS Pharmacy, Inc., CVS Indiana, L.L.C., CVS Rx Services, Inc., CVS TN Distribution, L.L.C., and Ohio CVS Stores L.L.C. (“CVS”); Rite Aid Hdqtrs. Corp., Rite Aid of Ohio, Inc., Rite Aid of Maryland, Inc., and Eckerd Corp. d/b/a Rite Aid Liverpool Distribution Center (“Rite Aid”); Walgreen Boots Alliance, Inc., Walgreen Co., and Walgreen Eastern Co. (“Walgreens”); and Giant Eagle, Inc., and HBC Service Company (“Giant Eagle”) (collectively, “Pharmacy Defendants”) move to dismiss the Second Amended Complaints with prejudice to the extent that they purport to state a common law claim for public nuisance, on the basis that they fail to state a claim upon which relief can be granted for the reasons stated in the accompanying memorandum of law. In accordance with the Court’s instruction, Doc. 3315 at 4, this Motion addresses Lake

County's and Trumbull County's public nuisance claim; arguments addressing the Counties' other causes of action will be briefed at a later time and are expressly preserved.

Dated: June 16, 2020

Respectfully submitted,

/s/ Tara A. Fumerton

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¹ CVS Health Corporation separately has filed a motion to dismiss for lack of personal jurisdiction. It joins this motion subject to and without waiving its jurisdictional position.

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record on June 16, 2020.

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